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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,924	01/05/2001	Brian Bartkowiak	JGP-10302/08	3876

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EXAMINER

CORRIELUS, JEAN M

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 10/08/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/755,924

Applicant(s)

BARTKOWIAK ET AL.

Examiner

Jean M Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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### **DETAILED ACTION**

1. This office action is in response to the amendment filed on July 16, 2003, in which claims 1-24 are presented for further examination.

#### ***Response to Arguments***

2. Applicant's arguments filed 7/16/03 have been fully considered but they are not persuasive. (See examiner' remark)..

#### ***Drawings***

3. Applicants are required to furnish the formal drawings in response this office action. No new matter may be introduced in the required drawing. Failure to timely submit a drawing will result in **ABANDONMENT** of the application.

#### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: In claim 1 line 7 after "a non-provider user", applicant provided double punctuation --;--. It is no clear which one is acceptable for the applicant. Appropriate correction is required.

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***Claim Rejections - 35 U.S.C. § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steadham et al (hereinafter "Steadham") US Patent no. 5,634,016 in view of Deinhart et al (hereinafter "Deinhart") US Patent no. 5,911,143.

As to claim 1, Steadham discloses a computer integrated event management system that coordinates the entire process of event planning and implemented using specialized software. In particular, Steadham discloses the claimed features "a repository having information associated with event management, the repository having a first access permitting direct access to the repository by only an event provider and a second access permitting limited access to the repository by a non-provider

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user” (col.1, line 10-col.4, line 53; col.9, line 38-col.17); and “ said second access including a first digital interface permitting access to the repository by said non-provider user” (col.6, lines 10-col.10). However, Steadham does not explicitly disclose the claimed “a restriction component limiting access of said non-provider user a defined portion of information in the repository”.

Deinhart, on the other hand, discloses the claimed “a restriction component limiting access of said non-provider user a defined portion of information in the repository”(col.7, lines 5-15, lines 20-29; col.10, lines 15-50). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references. One having ordinary skill in the art would have found it motivated to do so because that would have provided Steadham’s system the enhanced capability of restricting the possibility and probability of errors and confusion, thereby providing a higher system security.

As to claim 2, Deinhart discloses the claimed feature “wherein the repository further comprises a database” ((col.7, lines 5-15, lines 20-29; col.10, lines 15-50).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references. One having ordinary skill in the art would have found it motivated to do so because that would have provided Steadham’s system the enhanced capability of restricting the possibility and probability of errors and confusion, thereby providing a higher system security.

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As to claim 3, Deinhart discloses the claimed features “a plurality of unique identification codes” (col.7, lines 5-15, lines 20-29; col.10, lines 15-50); “a record having all unique identification codes and a level of access corresponding to each unique identification code”(col.7, lines 5-15, lines 20-29; col.10, lines 15-50); and “a software interface for receiving one unique identification code; searching the record for the unique identification code, ascertaining the level of access corresponding to the unique identification code, and restricting access to the information in the database according to the ascertained level of access”(col.7, lines 5-15, lines 20-29; col.10, lines 15-50). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references. One having ordinary skill in the art would have found it motivated to do so because that would have provided Steadham’s system the enhanced capability of restricting the possibility and probability of errors and confusion, thereby providing a higher system security.

As to claim 4, Deinhart discloses the claimed feature “an access card having one unique identification number”(col.7, lines 5-15, lines 20-29; col.10, lines 15-50). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references. One having ordinary skill in the art would have found it motivated to do so because that would have provided Steadham’s system the enhanced capability of restricting the possibility and probability of errors and confusion, thereby providing a higher system security.

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As to claim 5, Steadham discloses the claimed feature “wherein the digital interface further comprises permitting modification of the information” (col.15, lines 34-45).

As to claim 6, Steadham discloses the claimed feature “wherein the digital interface further comprises effecting corresponding changes to the information where such changes are necessitated by modification of the information” (col.3, lines 45-57; col.15, lines 35-45).

As to claim 7, Steadham discloses the claimed feature “capturing data related to an event display” (col.3, lines 45-67); and “a presentation component for displaying the captured data” (col.4, lines 6-53).

As to claim 8, Steadham discloses the claimed feature “video camera” (col.3, lines 35-40).

As to claim 9, Steadham discloses the claimed feature “a software interface to facilitate visual presentation of the captured data” (col.39, lines 24-64).

As to claim 10, Steadham discloses the claimed feature “a functionality component for capturing data at a production site” (col.1, line 10-col.4, line 50).

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As to claim 11, Steadham discloses the claimed feature “a functionality component for capturing data at an event site” (col.9, line 37-col.16).

The limitations of claims 12-24 have been mentioned in the rejection of claims 1-11 above. In addition, Steadham discloses a plurality of reports embody webpage format (col.9, line 37-col.48); an arrangement component embodies a webpage format (col.9, line 37-co.48); and an arrangement component for facilitating travel accommodations (col.1, lines 10-67).

***Remark***

(A). Several attempts have been made to contact Applicant’s representative by proposing some languages to the independent claims 1, 12 and 21. However, these attempts were not resulted to a communication.

(B). Applicants asserted that Steadham does not provide a system for use by an event provider and a plurality of event clients, suppliers and vendors to collectively plan and coordinate an event. The claims do not capture the essence of the invention as argued in applicants remark (page 7). The examiner kindly submits that the applicant misread the applied reference. However, when read and analyzed in light of the specification, the invention as claimed does not support applicant’s arguments. Actually, applicant is interpreting the claims very narrow without considering the broad teaching of



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the references used in the rejection. In response to applicant's arguments, the recitation "an event provider and a plurality of event clients, suppliers and vendors to collectively plan and coordinate an event" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Applicants rely on the limitations in preamble to base his assertion.

(C). Asserted that Steadham clearly does not teach the use of allowing a plurality of event clients, supplier or vendors real-time access to the system to assist in event coordination and "video camera to provide the event provider, client, vendor and supplier with real-time views of event and production sites". It is important to note, that assertions that Applicant rely upon are not explicitly stated in neither of the independent claims 1, 12 and 21. There is not mention of "allowing a plurality of event clients, supplier or vendors real-time access to the system to assist in event coordination" and "video camera to provide the event provider, client, vendor and supplier with real-time views of event and production sites" in the claims. Moreover, Applicants cannot rely on the specification to impart to the claims limitations not recited therein. Such reliance is ineffective to define over the prior art. In *re Lundberg*, 244 F2d 543, 113 USPQ 530 (CCPA 1957); In *re Winklans*, 188 USPQ 129

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(CCPA 1975). Applicants are further reminded of the clear difference between reading the claims in light of the specification as allowed by 35 U.S.C. 112, 6th paragraph, and by *In re Donaldson* 29 USPQ2d, 1845, 16 F.3d 1189 (Fed. Cir, 1994), and reading limitations of the specification into the claims *In re Prater* 415 F2d 1393, 162 USPQ 541 (CCPA 1969). Furthermore, the Applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater* 162 USPQ 541, 550-51 (CCPA 1969). Hence, refer to the rejection of claims above.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or early communication from the Examiner should be directed to **Jean Corrielus** whose telephone number is (703) 306-3035. The Examiner can normally be reached on the weekdays from 7:00am to 5:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, **Kim Vu**, can be reached on (703)305-9343.

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks Washington, D.C. 20231**

or faxed to:

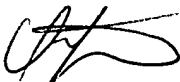
**(703) 746-7239**, (for formal communications intended for entry)

Or:

**(703)746-7240** (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to **Crystal Park II, 2021 Crystal Drive, Arlington,**

**VA., Sixth Floor (Receptionist).**



Jean M. Corrielus

Patent Examiner

September 30, 2003